

From: Kevin Moore
To: Microsoft ATR
Date: 1/26/02 3:56pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

Under the Tunney Act, I am writing to provide my comments on the proposed antitrust settlement with Microsoft. I am asking that you not agree to the proposed antitrust settlement and instead seek either a structural remedy or more stringent and open-ended behavioral remedies. I am in charge of Information Technology at a small aerospace business located in Southern California, and I feel that we have suffered due to Microsoft's illegal behavior in preventing competition to its products. Their past behavior, especially in flaunting the provisions of the 1995 consent decree and in refusing to admit any wrongdoing in the current case, gives me little hope that the weak provisions I have seen in the proposed consent decree will have any material effect on their behavior.

We run Microsoft Windows and Microsoft Office on all of our desktop computers. The use of Microsoft's proprietary Word, Excel, and PowerPoint formats as de-facto standards for information exchange (even by our U.S. Government clients) ensures their continued importance for the foreseeable future. However, I understand that no part of the settlement requires Microsoft to release any information about file formats, implying that there will be no competition to Microsoft on our desktops in the years to come. I would prefer to see either a structural remedy separating Microsoft's operating system and application businesses, or a strong behavioral requirement to release all file formats for interoperability purposes.

The possible extension of Microsoft's desktop monopoly onto our server computers is of even greater concern to me. Our servers currently use the Linux operating system and Samba file serving software. These programs have worked well for us and are a credible alternative to Microsoft's server software. However, the proposed settlement gives no standing to the general public and non-profit organizations which are an important part of the development and support of these programs. The settlement also has too many loopholes in defining what interoperability information Microsoft must release. If Microsoft is allowed to withhold interoperability information from any interested party then they can effectively use their desktop monopoly to prevent an interoperable server program from being produced; their proprietary extensions to the standardized Kerberos authentication protocol are a good example of their willingness to use their desktop monopoly to their advantage in the realm of server software.

Please do not allow a repetition of what occurred in 1995. Small

businesses like ours cannot afford to have Microsoft expand its monopoly further and limit our ability to purchase and use software and services in a competitive environment.

Sincerely,

Kevin Moore

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